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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,660	02/15/2002	Robert Lance Cook	25791.76	9727

62519 7590 04/10/2007  
HAYNES AND BOONE, LLP  
901 MAIN STREET  
SUITE 3100  
DALLAS, TX 75202-3789

EXAMINER
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LEE, CLOUD K

ART UNIT	PAPER NUMBER
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3753

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/076,660

Applicant(s)

COOK ET AL.

Examiner

Cloud K. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7, 17 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 17, 19-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. There have been an unusually large number of IDSs filed with application number 10/076,660 containing over 1200 references (many of which have no relevance to the present application). Since there appears to be some anomaly with these IDSs, the examiner will defer signing any outstanding 1449s at this time. It is requested that applicant state whether these IDSs were inadvertently filed with the wrong application or whether they were intended to be considered in the present application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Skaer (US Patent No. 5,273,075).

Skaer discloses a method of controlling the flow of fluidic materials comprising an injecting fluidic materials into the inlet passage (12A), blocking the inlet passage (see figure 1), conveying the injected fluidic materials radially out of the inlet passage (see figure 1, arrow 20) into a plurality of spaced apart longitudinal passages (see where 24 is) defined in the tubular housing (figure 2 shows a tubular housing) and into an annular chamber (16c) defined in the

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tubular housing that surrounds the inlet passage (at least partly surrounds the inlet passage), opening the outlet passage to permit fluidic materials within the inlet passage and the annular chamber (see arrow 20) to be conveyed out of the housing (see figure 1).

4. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by McKeon (US Patent No. 4,949,745).

McKeon discloses a method of controlling the flow of fluidic materials comprising an injecting fluidic materials into the inlet passage (22), blocking the inlet passage (see figure 6), conveying the injected fluidic materials radially out of the inlet passage (see figure 6, arrow 144) into a plurality of spaced apart longitudinal passages (see where 110 is) defined in the tubular housing (figures 3 and 4 shows a tubular housing) and into an annular chamber (110) defined in the tubular housing that surrounds the inlet passage, opening the outlet passage to permit fluidic materials within the inlet passage and the annular chamber (see arrow 144) to be conveyed out of the housing (see figure 6).

5. Claims 7, 17, 19-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Szarka (US Patent No. 4,627,488).

Szarka discloses a method of controlling the flow of fluidic materials comprising an injecting fluidic materials into the inlet passage (810), blocking the inlet passage (892 or 754) wherein the inlet passage is placed a ball plug (892), conveying the injected fluidic materials radially out of the inlet passage (see figure 5B) into a plurality of spaced apart longitudinal passages (see figure 5B, from 762, 790 through screen 32 to passage 24) defined in the tubular

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housing and into an annular chamber defined in the tubular housing that surrounds the inlet passage (see where 768 and 774), opening the outlet passage to permit fluidic materials within the inlet passage and the annular chamber to be conveyed out of the housing (see figure 6B element 768, 785 and 776, also see Col 16 lines 56-68, and the ball valve 348), wherein the method further comprising preventing debris from entering the annular chamber (64), wherein the method further comprising detecting the operating pressure of the injected fluidic materials, and if the detected operating pressure of the injected fluidic materials exceeds a predetermined amount then opening the outlet passages (see Col 16 lines 56-68), Szarka discloses the method further comprising if the detected operating pressure of the injected fluidic materials exceeds about 500 to 3000 psi (see Col 19 lines 19-23), then displacing valve members (see Col 19 lines 36-43) positioned within corresponding longitudinal valve chambers defined in the tubular housing, wherein the method further comprising controlling the rate at which the fluidic materials are conveyed out of the tubular housing through the outlet passages using variable orifices when the valve members (768, 774 and 768) are displaced in a variable position and created a variable orifices, wherein the outlet passages are orthogonal to the inlet passage (see 902).

### ***Conclusion***

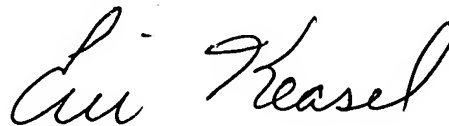
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mullen et al discloses a similar method (US Patent No. 6,148,915).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571)272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL



ERIC KEASEL  
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